

Best Available Copy

Appl. No. 10/688,534
Amdt dated November 3, 2005
Reply to Office Action of 07-21-2005

REMARKS

Applicant notes that the Examiner apparently did not receive a legible copy of document EP 0608035 to consider as prior art. Applicant encloses herewith the best available copy of that document available to Applicant for consideration by the Examiner.

In the Official Action the Examiner objected to certain of the drawing figures. Specifically, the Examiner indicated that the reference character "138" was used to designate both a floor and a forward end slat. The Examiner objected to other drawing figures as failing to disclose reference designations mentioned in the Specification. Accordingly, Applicant encloses herewith replacement sheets for drawing Figs. 13, 13A, 13B, 14, 15, 19, and 20. Applicant has also amended the Specification at pages 37 and 38 to rectify the duplicate use of the reference number "138" for both the "floor" and the "slat". Specifically, the reference number for the floor has been changed to "117".

In the Official Action the Examiner raised certain claim objections to Claims 7, 11, and 16. Claim 7 has been canceled in this Amendment. Claims 11 and 16 have been amended to correct the informalities noted by the Examiner. Specifically, in both of those claims the word "narrow" has been substituted for the word "narrows".

The Examiner rejected all of Claims 1-18 as being obvious under 35 U.S.C. § 103. Applicant has rewritten Claim 1 as a new independent Claim 30. Claim 30, like original Claim 12, is now directed to the combination of a camcorder with a light shield. Claim 30

is directed to the embodiments of the invention depicted in Figs. 9-11 and Fig. 13A.

Specifically, Claim 30 is directed to the light shield 280 which has inboard and outboard side panel flaps 284 and 286 hinged, respectively, to the inboard and outboard side edges of the roof 282, as shown in Fig. 12A. It should be noted that, when side panel flaps 284 and 286 are unfolded to the deployed condition extending down from the roof 282, as illustrated in Fig. 13A, they reside alongside the video display screen 18' (Specification, page 33, lines 1-2) and in contact with the front surface of the video screen panel 18 (Specification, page 32, lines 1-2), as discussed in connection with one preferred embodiment of the invention illustrated in Figs. 12 and 13. That specific preferred embodiment of the invention, which includes a liner 105 formed of soft rubber or some other material that will not damage the face of the LCD screen 18' is described in the Specification from page 32, line 20 to page 33, line 5 and is specifically claimed in Claim 3.

As recited in Claim 30, the flat mounting strip 288 extends from the rear edge of the roof rearwardly beyond the side panels 284 and 286 (Figs. 12A and 13A). A thin, narrow, elongated fastening layer of pressure-sensitive adhesive 289 extends the entire length of the mounting strip 288 and joins the mounting strip 288 to the video screen panel 18 along a single, fixed, linear region of attachment at a location on the video screen panel 18 rearwardly from the video display screen 18' (Specification, page 34, lines 8-14).

Claim 12 is of a scope comparable to Claim 30, but employs a thin, narrow, elongated fastening layer of a magnetized material, rather than a pressure-sensitive material. This embodiment is described in the Specification at page 34, lines 19-21. In both the embodiment recited in Claim 30 employing a pressure-sensitive adhesive, and in the embodiment now recited in Claim 12 employing a magnetized strip, the fastening mechanism joins the light shield to the video screen panel along a single, fixed, elongated region of attachment at a location on the video screen panel 18 rearward from the video display screen 18'.

In the Official Action the Examiner relied upon the Kappel et al reference, U.S. Patent No. 6,144,418, as a principal basis for rejection of many of the claims remaining under consideration. The Kappel et al reference discloses a light screen glare shade 12 adapted to mount upon a computer monitor 16. A magnifier 14 is located in front of the monitor screen 18. The side walls 20 are not collapsible. To the contrary, it is stated that the glare shield 12 is of an inverted, U-shaped construction and supports the magnifier 14 in front of the monitor screen 18 (Kappel et al, col. 2, lines 12-23).

Also, since the side walls 20 are disposed on the outside of the sides of the computer monitor 16, as illustrated in Fig. 2, the glare shield 12 of Kappel et al does not have a flat mounting strip extending from the rear edge of the roof rearwardly beyond the side panels. Such a construction is necessary in Applicant's claimed invention since the video screen

panel is hinged at one edge. The inboard side panel flap 84 of Applicant's light shield 280 does not reside alongside the inboard edge surface of the video screen panel 18. To the contrary, in the claimed combination of a camcorder with Applicant's light shield 280 as recited in Claim 30, the flat mounting strip extending from the rear edge of the roof 282 is necessary in order for the light shield 280 to be attached to the camcorder video screen panel 18. Such a construction is neither necessary nor desirable for the glare shade 12 for the computer monitor 16 in the Kappel et al reference because the side walls 2 of the glare shield 12 of that reference embrace the sides of the computer monitor 16.

A further point of distinction of Applicant's invention as recited in Claim 30 is that Applicant requires a thin, narrow, elongated fastening layer of pressure-sensitive adhesive 289 extending the entire length of the mounting strip 288 and joining the mounting strip 288 to the video screen panel 18 along a single, fixed, elongated region of attachment. This elongated region of attachment greatly stabilizes the light shield 280 of Applicant's invention relative to the video screen panel 18 without requiring fasteners secured to the side edges of the video screen panel 18. In contrast, the complementary fastening elements 24a and 24b in Kappel et al are not formed of an elongated layer of pressure-sensitive adhesive and do not extend the entire length of any structure, not even the roof 22 of the glare shade 12.

Applicant's use of a single, elongated fastening layer of pressure-sensitive adhesive

allows Applicant's light shield 280 to be firmly fastened and stabilized relative to a camcorder video screen panel 18. Since the side panel flaps 84 and 86 of applicant's light shield 280 cannot be stabilized by embracing the outer side edges of the video screen panel because the panel must fold into a seating cavity in the camcorder, stability of a light shield for a camcorder video screen panel has presented a particularly vexing problem. Applicant has solved this problem by creating an elongated direct connection between the flat mounting strip that extends to the rear of the roof of the light shield mounting strip 288 and the structure of the video screen panel 18 itself.

Following the teachings of the Kappel et al reference, a person of ordinary skill in the art would be lead to affix a hook portion 24b of complementary hook and loop fastener elements 24a and 24b to a location on the top of the video screen panel 18 of the camcorder 14 of Applicant's claimed combination. However, as explained in the Declaration of Peter Yong, filed October 24, 2005 Applicant has discovered that to do so would interfere with folding and seating of the video screen panel 18 into the seating cavity in the camcorder 14. This is because a very close fit exists between a video screen panel 18 and the seating cavity in all commercially available camcorders 14. There would be insufficient clearance for the hook element 24b to fit into the seating cavity in the camcorder. On the other hand, if one were to relocate the hook element 24b of Kappel et al from the top edge surface 290 to the rear surface 102 of the video screen panel 18 of Applicant's camcorder 14, the hook

fastener element 24b would be exposed and would tend to snag and damage the interior of a soft cushioning video camera case in which video cameras are carried for protection.

A reversal of the hook and loop fastener elements 24a and 24b would likewise prove unsatisfactory. If the loop element 24a of Kappel et al were located on the camera 14 of Applicant's combination, the hook element 24b would have to be located on the light shield 280. As explained in the Declaration of Peter Yong, filed October 24, 2005 such a construction would prevent the rearwardly projecting mounting strip from folding flat and would prevent the easy extraction of a light shield from a package of such light shields.

The Examiner also relied upon the Giulie et al reference, U.S. Patent No. 4,784,465, as a basis for rejection of some of Applicant's claims. The Giulie et al reference discloses a glare reduction shield for a CRT 7. The shield has a center section 15 and end sections 17 and 19. The end 17 has a horizontal portion 21 and a downwardly extending portion 31 joined to the horizontal portion 29 by a living hinge 32 (Giulie et al, col. 1, line 53). The relative distance between the ends 17 and 19 in the Giulie et al reference is adjustable in much the same manner as the arrangement shown in Fig. 5 of the Kappel et al reference.

The ends 17 and 19 of the shield in the Giulie et al reference can be folded flat for shipping and storage (Giulie et al, col. 1, lines 54-55). The Giulie et al reference states that ordinarily it is not necessary to fasten the parts of the light shield together or to the

CRT 7, but that this can be done using pressure-sensitive tapes 34, 35, and 37. It is stated that these are of dual locking peel and press type which allow for easy placement and removal for servicing (Giulie et al, col. 2, lines 11-17).

However, the Giulie et al reference, like the Kappel et al reference, provides for side panels that embrace the outer edges of the CRT with which the light shield is employed. This arrangement is inapplicable in a light shield for the video screen panel of a camcorder, since the inboard edge of a camcorder video screen panel is hinged.

The Giulie et al reference, like the Kappel et al reference, lacks a narrow, elongated, flat mounting strip 288 extending from the rear edge of the roof 282 rearwardly beyond the side panel flaps, as required in Claim 30. The Giulie et al reference, like the Kappel et al reference, also lacks a thin, narrow, elongated adhesive fastening layer extending the entire length of the mounting strip and joining the mounting strip to the video screen panel along a single, fixed, elongated region of attachment that extends the entire distance between the side panels.

The Examiner also relies upon the Lin reference, U.S. Patent No. 5,543,863, as a basis for rejection of some of the claims of Applicant's invention. The Lin reference discloses an adjustable hinge arrangement for an eye protection mask 11 for a computer (Fig. 5). A base 30 does extend rearwardly from the frame 10 of the mask 11 and is hinged relative thereto (Lin, Fig. 5). In one sense, therefore, the base 30 could be

considered to be a flat mounting strip. However, as is clearly evident in Figs. 2 and 3 of the Lin reference, the base 30 does not extend across the entire distance between the side edges of the frame 10. While it is attached by adhesive paper to the top edge of the screen or video display (Lin, col. 3, lines 19-21) it is a square structure located only at the center of the top of the frame 10. If the base 30 of the Lin reference is considered to be a flat mounting strip, it most certainly does not extend the entire distance between any structure analogous to Applicant's side panel flaps 84 and 86. The Lin reference therefore also fails to meet the claim limitation of Claim 30 of a mounting strip extending along a single, fixed, elongated region of attachment at a location of the video screen panel rearwardly from the video display screen and across the entire width thereof.

The von Gutfeld et al reference, U.S. Patent No. 6,115,238, is cited by the Examiner for the purpose of showing telescopic extensions 60 that may be provided for varying the length of each of the side flaps 2A and 2B. The flaps 60 and its operation are illustrated in Figs. 6 and 7. However, the von Gutfeld et al reference lacks a flat mounting strip extending from the rear edge of a roof of a light shield, and the side flaps 2B are not hinged to the roof. To the contrary, both the top flap 2A and the side flaps 2B are stated to be attachable to the laptop computer casing directly or hinged onto the outer edges of the housing for the flat panel display (von Gutfeld et al, col. 4, lines 1-6).

The von Gutfeld reference therefore lacks the rearwardly extending, elongated, flat

mounting strip as well as a thin, narrow fastening layer of pressure-sensitive adhesive as required in Claim 30. Unlike Applicant's light shield, the flaps 2A and 2B of the von Gutfeld reference form a solid structure intrinsic to the display 3 and attachable by a hinge to the back of one edge of the flat panel display (von Gutfeld, col. 4, lines 30-32).

The Examiner also relied upon the Tierney reference, U.S. Patent No. 4,784,468, in combination with the Kappel et al and Giulie et al references in rejecting Claim 3. Claim 3 of the present application requires the inboard and outboard side panel flaps 84 and 86 to have rear edges which are provided with soft rear edge liners 105, as illustrated in Fig. 13. The purpose of the liners 105 is to prevent damage to the face of the LCD screen 18', (Specification, page 32, line 20 - page 33, line 2).

The Tierney reference shows a light shield 12 for a display monitor 66. The reference was cited by the Examiner to show the presence of neoprene foam rubber friction pads 18-24 that are located on the inner surfaces of the side flaps 59 and 60. While these neoprene pads 18-24 extend up to the rear edges of the side flaps 59 and 60 (Fig. 1), the rear edges of the side panels 59 and 60 are not provided with soft rear edge liners. Indeed, there would be no reason for such liners to be provided at the rear edges, since the side panels 59 and 60 embrace the outer walls of the monitor 66, and do not reside in contact with the display screen thereof as in Applicant's claimed combination. There would be no reason to modify either the Kappel et al reference, the Giulie et al reference, or any of the

other references cited to provide the rear edges of the side panels thereof with soft rear edge liners since none of the rear edges of the side panels of any of those references contact the display screen. Such a teaching is found only in the present application (Specification, page 32, line 20 - page 33, line 5). Claim 3 of the present application is specifically directed to this feature.

The Examiner also relied upon the Takahashi reference, in combination with the Kappel et al and Giulie et al references, in rejecting Claim 11. The purpose in citing the Takahashi reference was to disclose the short slits at the end of the fold line 22j between the panel 21 that faces the main body 1 of the portable TV 1 (Figs. 2A and 3). The Takahashi reference, like the other references, fails to disclose a flat mounting strip extending from the rear edge of a light shield roof rearwardly beyond the flaps. To the contrary, Takahashi discloses the exact opposite. That is, the protrusions 22p and 22q on the sides 22b and 22d must extend rearwardly to fit into grooves 1d and 1e in the side surfaces of the main body 1 (Takahashi, Fig. 1, col. 3, lines 16-27). The combination of Takahashi with Kappel et al and Giulie et al fails to provide the feature of Claim 30 of a flat mounting strip extending from the rear edge of the roof rearwardly beyond the side panel flaps and a single, thin, narrow, elongated fastening layer of pressure-sensitive adhesive extending the entire length of the fastening strip and joining the mounting strip to the video screen panel along a single, fixed, elongated region of attachment.

The Examiner rejected Claims 12-15 and 18 as being obvious considering the Kappel et al reference in view of Giulie et al and further in view of Izawa, U.S. Patent No. 6,542,698. The Izawa reference discloses a portable shading member 1 that has Velcro® fasteners 41 (Fig. 2A) that can be secured to each other so that a liquid crystal screen Q for a digital camera P (Fig. 2B) can receive the hood member 1. The Izawa reference is the only reference relied upon for rejection that discloses a light shield in combination with the video screen panel of a camcorder P.

However, the Izawa reference lacks a thin, narrow, elongated fastening layer of pressure-sensitive adhesive extending along the entire length of a mounting strip and joining the mounting strip to the video screen panel along a single, fixed, elongated region of attachment at a location on the video screen panel. Quite to the contrary, in the Izawa reference, the hood member 1 is inserted so that the liquid crystal screen Q extends through a slot defined through the back of the structure formed between the flaps 31 and 32 and the sides 2c and 2d of the hood member 1, as illustrated in Fig. 3A.

The connecting means 41 of the Izawa reference are stated to be comprised of a surface fastener, a snap fastener, a zipper slide fastener, or a hook member (Izawa, col. 6, lines 23-26). There is no disclosure in the Izawa reference that a surface fastener could or should be a single, thin, narrow, elongated fastening layer of pressure-sensitive adhesive. Furthermore, even if the Izawa reference were modified to provide a surface fastener in the

form of an adhesive layer, the fastening system of Izawa connects the upper and lower mounting strips 31 and 32 to each other. There is no direct connection to the liquid crystal monitor Q. Consequently, a combination of the Izawa reference in view of the Kappel et al and Giulie et al references fails to meet this critical feature of the invention as recited in Claim 30. The declaration of the inventor, Peter Yong, filed October 24, 2005 explains the disadvantages of the Izawa system relative to the structure of the claimed invention.

The Examiner rejected Claim 17 relying upon the Kappel et al reference in view of Giulie et al and Izawa, and further in view of the Stroll Jr. reference, U.S. Patent No. 5,095,385. That reference shows a glare screen that may be manufactured of plastic, cardboard, or various materials, including plastic or cardboard (Stroll, Jr., col. 4, lines 48-50). The glare reduction system of the Stroll, Jr. reference is constructed to circumscribe the entire video display screen (Stroll, Jr, col. 3, lines 12-14). Therefore, such a system could not be adapted to a hinged video screen panel of a camcorder, since the hinged, inboard edge of a camcorder video screen panel cannot be enclosed.

The Examiner has picked out various features of Applicant's invention and located those features individually in several prior art references. However, the presence of Applicant's claim elements individually in different prior art references, without suggestion or motivation in the prior references to combine those elements cannot form a proper basis for rejection under 35 U.S.C. § 103.

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As held by the Court of Appeals for the Federal Circuit in In Gillette Co. v. S.C. Johnson & Son Inc., 16 USPQ 2d 1923 (CAFC 1990):

"Determination of obviousness under 35 USC 103 requires analysis of claimed invention as whole, and focusing on obviousness of substitutions and differences, instead of on invention as whole, is legally improper way to simplify that determination, nor should "obvious to try" be equated with obviousness."

As held by the Court of Appeals for the Federal Circuit in In re Geiger, 2 USPQ 2d 1276 (CAFC 1987):

"Obviousness cannot be established by combined teachings of prior art to produce claimed invention, absent some teaching, suggestion, or incentive supporting combination, and thus, although it might have been obvious to one skilled in art to try various combinations of teachings of three prior art references to achieve claimed method, such evidence does not establish prima facie case of obviousness."

As held in Bela Seating Co v. Poloron Products, Inc., 160 USPQ 646 (1968):

"Patented combination cannot be anticipated in piecemeal fashion by combining individual features from different prior art patents when such combination is not taught by prior art patents themselves.

Device is patentable where it is a new combination resulting in an improved construction which accomplishes a new result and which is markedly more efficient than prior devices."

In Ex Parte Garrett, 132 USPQ 514 (BPA&I 1962) the Board of Patent Appeals and Interferences held:

"It is improper to rebuild reference, in light of applicant's disclosure, in order for it to operate in a manner never intended or contemplated by reference."

None of the references relied upon for rejection, either alone or in combination, discloses the critical features of Claim 30 of (1) a flat mounting strip extending rearwardly from the roof of a light shield, beyond the side panel flaps thereof, and across the entire distance between the side panel flaps, secured directly to the video screen panel by (2) a single, elongated, fastening layer of pressure-sensitive adhesive. Such a disclosure is found only in the present application. Therefore, neither Claim 30, nor claims 3, 4, and 8-11 which are ultimately dependent thereon, are obvious in view of the references cited.

Claims 12 is comparable to Claim 30, but differs in scope therefrom in that the fastening strip mechanism is an elongated magnetic strip, rather than a layer of pressure-sensitive adhesive. Claim 6 was originally directed to this feature. As stated in the Specification of the present application, a magnet can be employed in place of the strip of

adhesive tape 289 if the frame of the LCD screen 18 is comprised of steel (Specification, page 34, lines 19-21).

The Examiner rejected Claim 6 based upon a combination of the Nakamura reference, Japanese Patent No. JP 61067841 A, in combination with the Giulie et al and Kappel et al references. As shown in Fig. 2, the Nakamura reference employs a magnet 3 that apparently attracts a (light) absorbing body 4 to hold a hood 2 on the cylindrical portion of a camera lense cylinder 1. That is, the Nakamura reference was cited to show the attachment of a hood by means of a magnet. However, it is apparent that the system of Nakamura could not be adapted for use on a camcorder video screen panel, since the hood 2 completely surrounds the cylinder 1 of the lens. It could not surround a video screen panel of a camcorder, since the inboard edge of a camcorder video screen panel is hinged to the body of the camera. In any event, the combination of Nakamura with Kappel et al and Giulie et al also fails to disclose a flat mounting strip extending from the rear edge of a roof of a light shield beyond the side panel flaps thereof with a single, elongated fastening strip with a magnetic fastener thereon extending across the width of the video display screen. This feature of Claim 12 is found only in the present application.

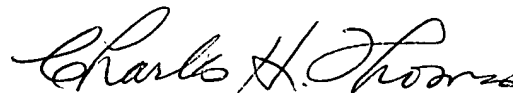
For all of the foregoing reasons, Applicant respectfully request reconsideration of the rejection of the claims remaining in the application. None of the references cited, alone or in combination, provides a direct system of attachment of a mounting strip extending

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rearwardly between a pair of side panels including a fastening layer of pressure-sensitive adhesive or a magnetic material extending the entire length of the mounting strip and joining the mounting strip directly to the video screen panel along a single, fixed, elongated region of attachment across the entire width of the video display screen. Such an attachment system is found only in the present invention as recited in the claims remaining under consideration. Applicant therefore respectfully requests allowance of all claims and passage of the application to issue in due course.

Date: November 3, 2005

Respectfully submitted,



Charles H. Thomas
Registration No. 25,710
Customer No. 42556

CISLO & THOMAS LLP
Suite 405
4201 Long Beach Blvd.
Long Beach, CA 90807-2022
562- 595-8422 (ph)
562-595-9319 (fax)
cthomas@cislo.com (e-mail)

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AMENDMENTS TO THE DRAWINGS

Please amend drawing Figs. 13, 13A, 13B, 14, 15, 19, and 20 to show the reference designations "99", "96", and "142" and to change the reference designation of the "floor" from "138" to "117" in drawing Figs. 14 and 19, as required by the Examiner on pages 2-4 of the Official Action. Replacement sheets are enclosed herewith. In addition, Applicant has enclosed marked-up copies of the original drawing sheets for which replacement sheets have been submitted with the changes made shown in red ink for the convenience of review by the Examiner. These marked-up drawing sheets are labeled "Annotated Marked-up Drawings" and are submitted herewith as Appendix B.



Appendix B

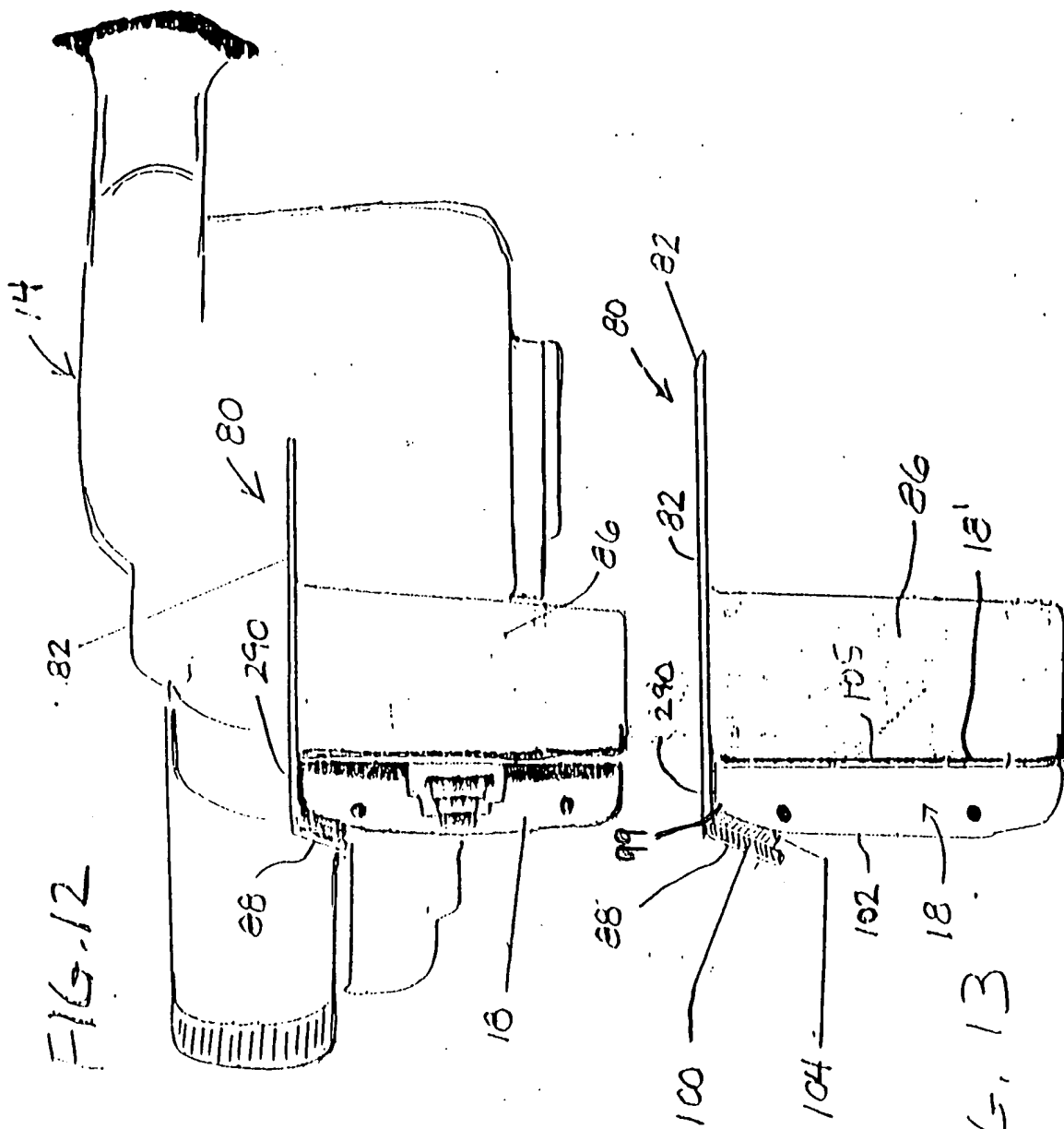
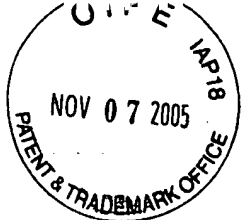


FIG. 12

FIG. 13



Appendix B

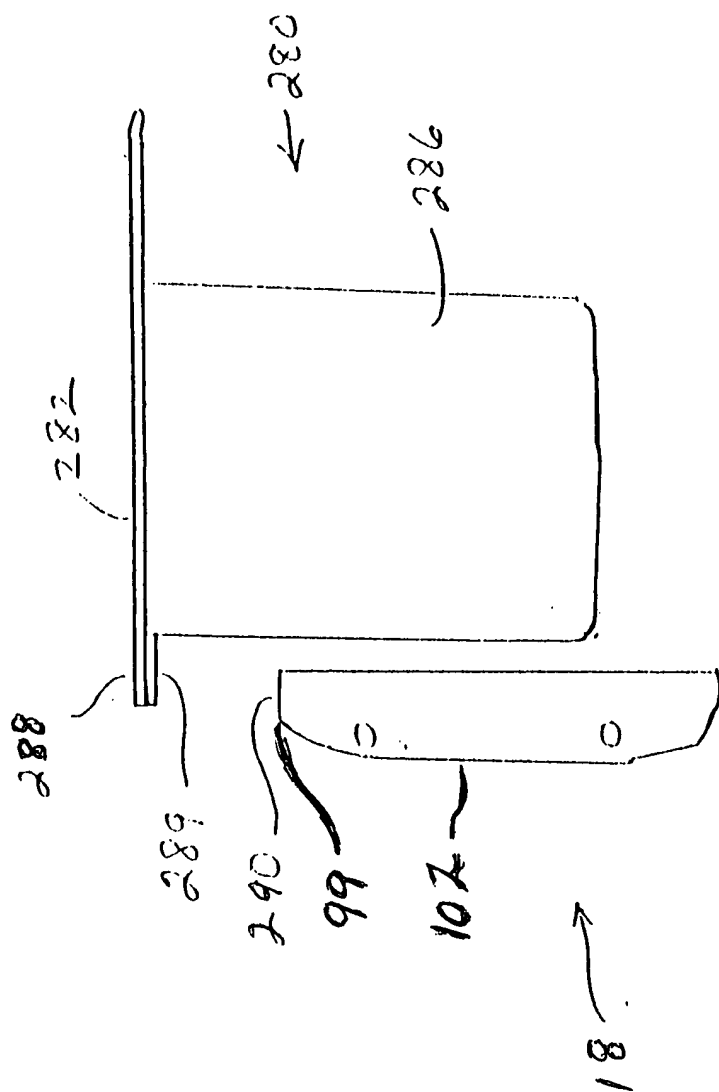


FIG. 13A



Appendix B

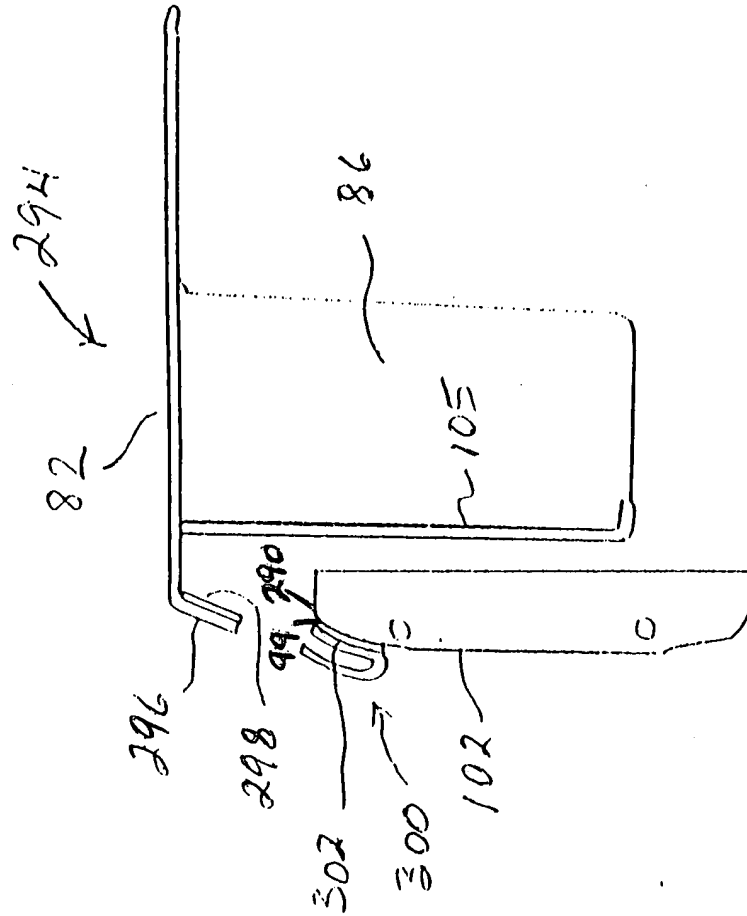
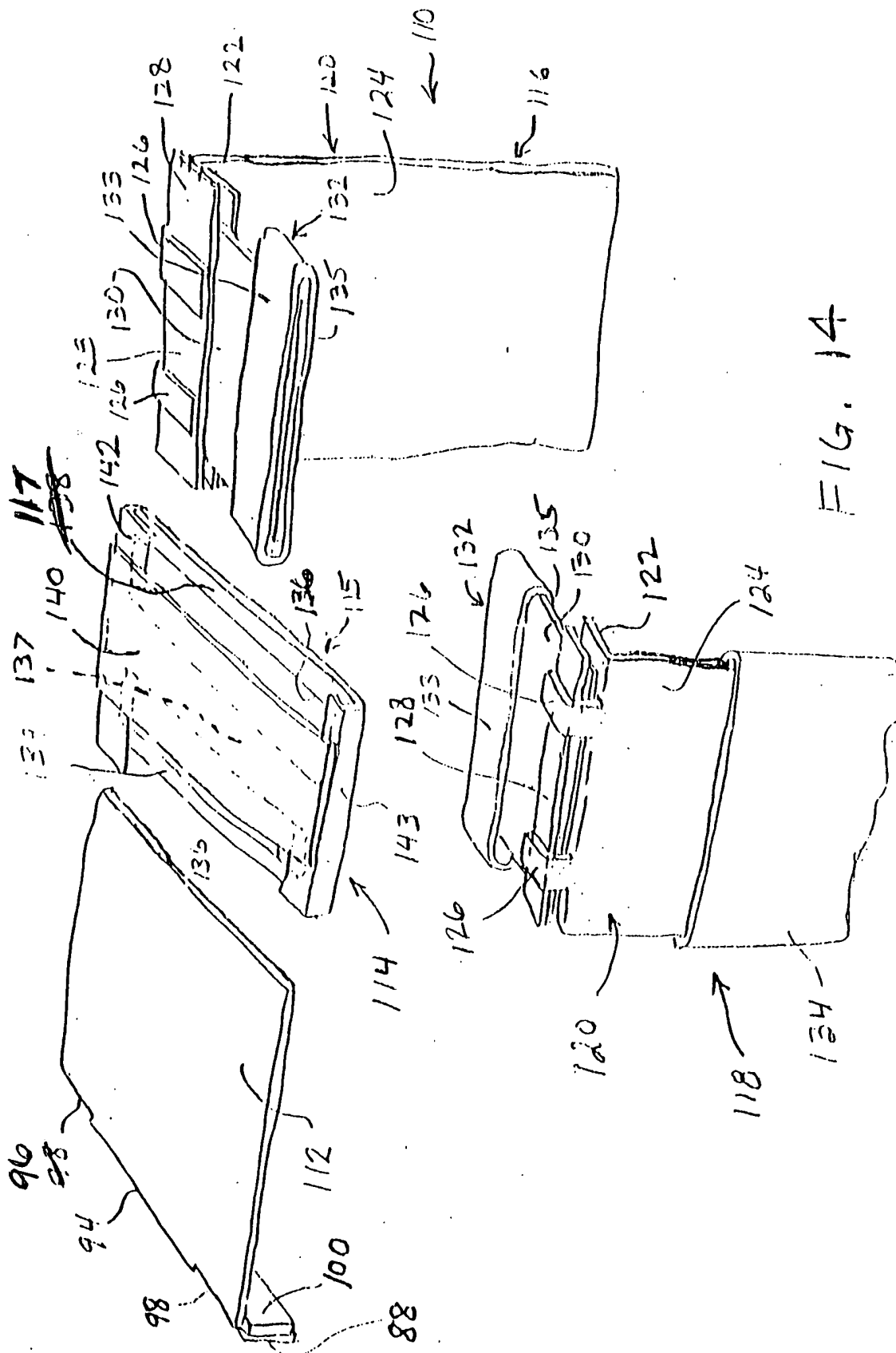


FIG. 13B



Appendix B



Appendix B

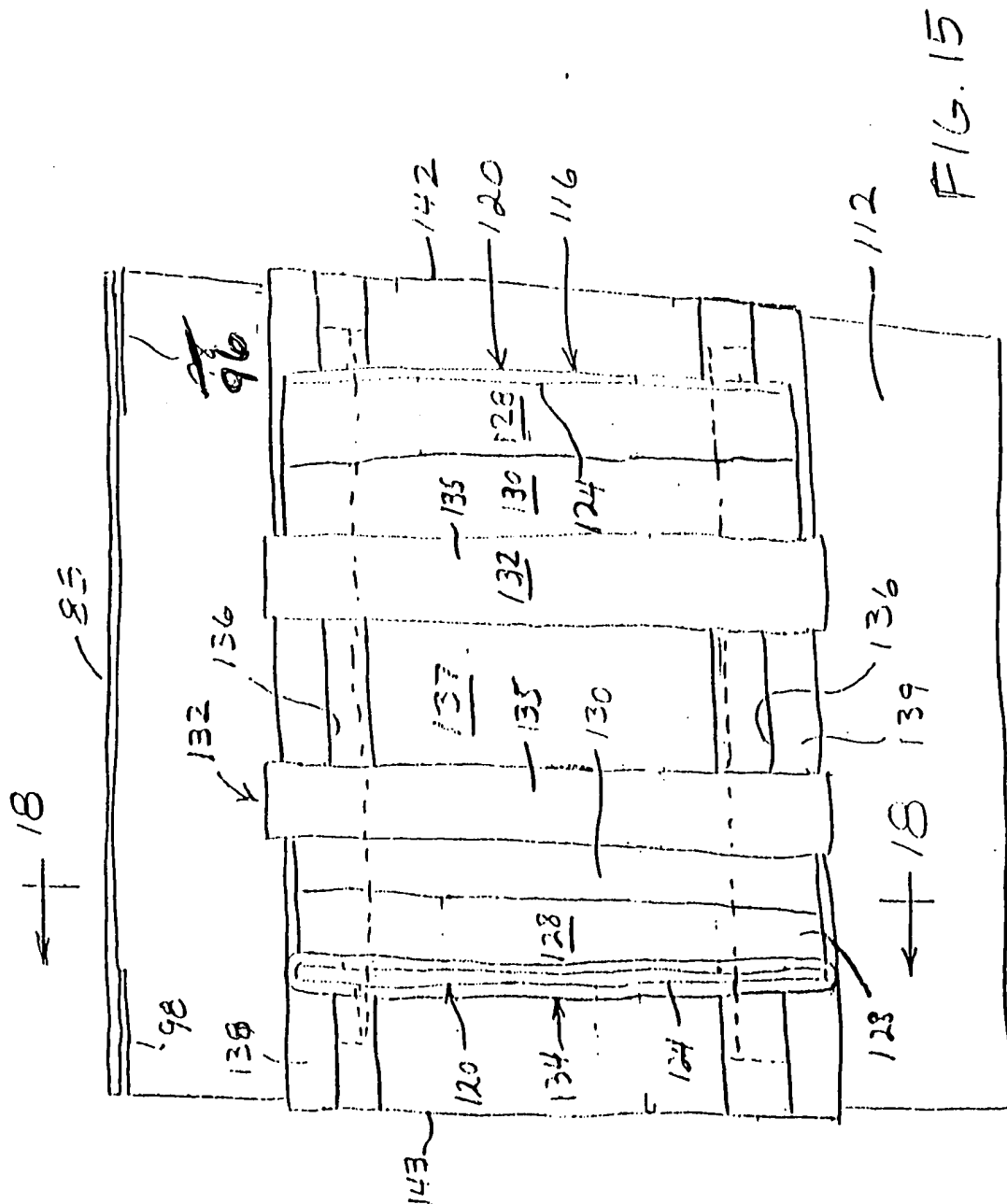


FIG. 15

Appendix B

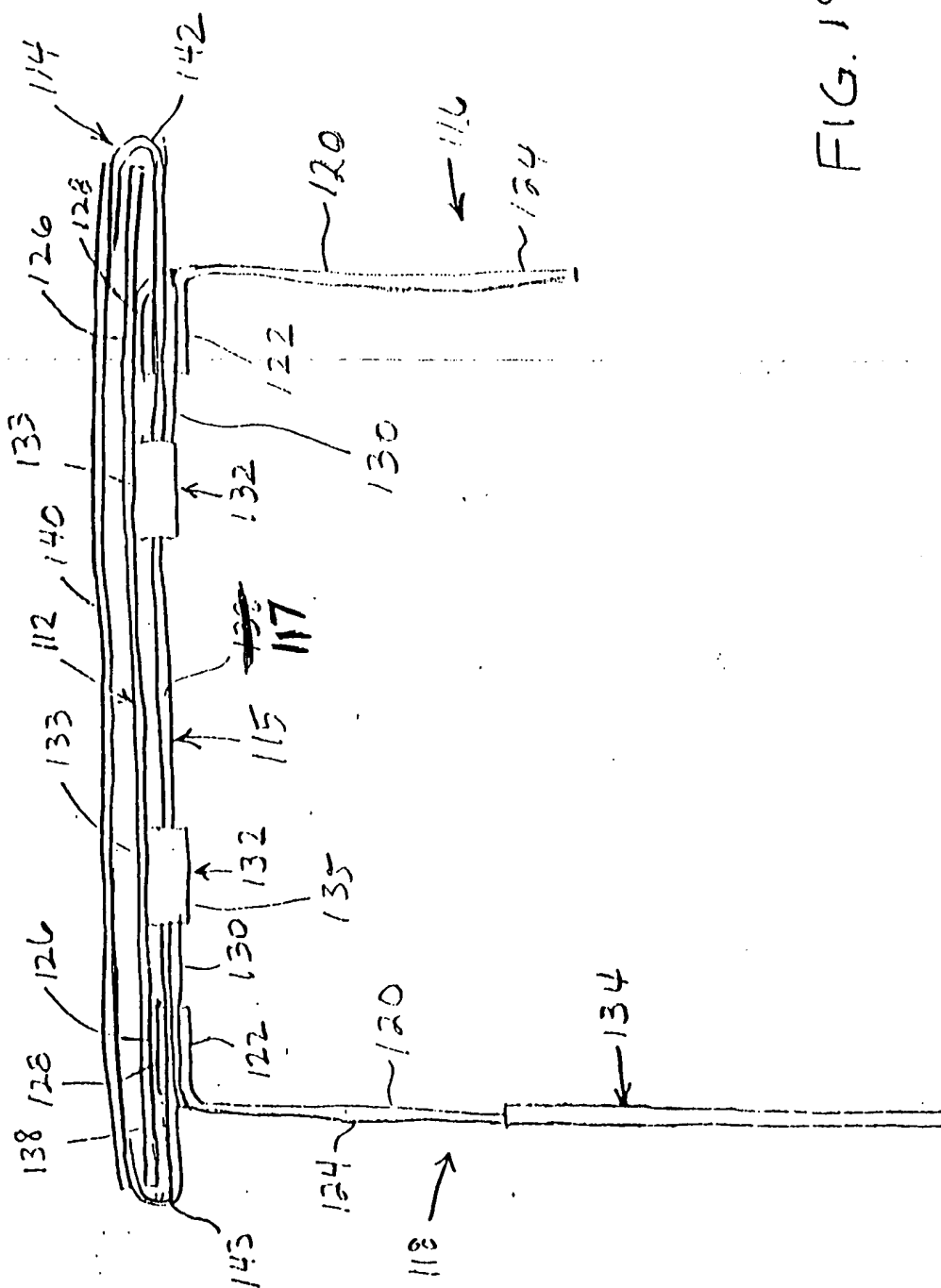


FIG. 19



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